

Application No. : 10/635,706
Filed : August 5, 2003

REMARKS

Claims 1 – 3 were pending in the application. By this paper, Applicant has amended Claims 1 – 3, and added new Claims 4 – 31. Accordingly, Claims 1 – 31 are presented for examination herein.

Power of Attorney

Applicant includes herewith a duly executed Power of Attorney compliant with 37 CFR §1.32 authorizing the undersigned to prosecute the present application.

§112 Rejections

Claims 1 – 3 – Per page 2 of the Office Action, Claims 1 – 3 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite. Applicant has herein amended Claims 1 – 3 so that they now read “*if said node determines that it does not have a connection to a Legacy link layer, then transmitting a Self-ID packet with a Speed Code.*” Support for Applicant’s amendment can be found, *inter alia*, at paragraph [0075] (pp. 18-19) of Applicant’s specification as filed.

Applicant submits that the aforementioned amendments overcome the Examiner’s rejection.

§102 Rejections

Claims 1 – 3 – Per page 3 of the Office Action, Claims 1 – 3 stand rejected as being anticipated by Stone et al. (U.S. Pat. No. 6,519,657, hereinafter “Stone”). Applicant respectfully traverses on the grounds that Stone does not appear to fairly teach or suggest each and every limitation present in Applicant’s inventions as set forth in Claims 1 – 3. Specifically, Applicant submits that Stone does not teach or suggest “*if said node determines that it has a connection to a Legacy link layer, then transmitting a Self-ID packet without a Speed Code*”. For instance, Col. 8, lines 46 – 53 of Stone sets forth:

“Next, in step 975, the border node 250 issues a self-ID packet with added information to convey the presence of the active 1394a node 804 to the 1394b network 270. For example, the border node 250 may set the second least most significant bit in self-ID packet one 906. In other embodiments, other reserved

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bits 920 could be used. The present invention is well suited to using either a 1394-1995 self-ID packet or a 1394a self-ID packet."

Hence, in Applicant's view, Stone actually appears to teach away from Applicant's inventions as claimed, as Stone requires the addition of added information, which is apparently unrelated to its speed capabilities (i.e., to convey the presence of 1394a nodes on the 1394b network). Further, Stone sets forth at Col. 8, lines 64 – 67:

"The self-ID packets will contain information regarding the speed capabilities of the attached nodes. Therefore, the 1394b nodes 802 will know which speed to use when transferring information."

Therefore, Stone apparently teaches that its self-ID packets will always contain speed capability information of its attached nodes. Again contrast this with Applicant's invention as claimed ("if said node determines that it has a connection to a Legacy link layer, then transmitting a Self-ID packet without a Speed Code").

Applicant therefore respectfully submits that Stone does not teach each and every limitation present in Claims 1 – 3, and actually appears to teach away from Applicant's claimed subject matter. Hence, as a matter of law Stone can not anticipate Claims 1 – 3 of Applicant's claimed invention, nor render them obvious.

New Claims

Claims 4 – 28 – By this paper, Applicant has added new Claims 4 – 28, relating generally to the subject matter of existing Claims 1-3. Support for these Claims can be found, *inter alia*, at paragraphs [0073] through [0077] and paragraphs [0056] through [0060] of Applicant's specification as filed. Hence, Applicant submits that no new matter has been introduced.

Other Remarks

Applicant hereby specifically reserves all rights of appeal (including those under the Pre-Appeal Pilot Program), as well as the right to prosecute claims of different scope in another continuation or divisional application.

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Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant's position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

Respectfully submitted,

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